

Spain
2015

ANNUAL IMMIGRATION AND ASYLUM POLICY REPORT



GOBIERNO
DE ESPAÑA

MINISTERIO
DE ASUNTOS EXTERIORES
Y DE COOPERACIÓN

MINISTERIO
DE JUSTICIA

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The European Migration Network (EMN) is an initiative of the European Commission. The EMN has been established via Council Decision 2008/38/EC and is cofinancially supported by the European Union.

Its objective is to meet the information needs of EU institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN also serves to provide the general public with such information.

To that end, the EMN has a network of National Contact Points (NCPs).

The Spanish NCP is composed by experts from the Ministry of Employment and Social Security, Ministry of the Interior, Ministry of Foreign Affairs and Cooperation, and Ministry of Justice and the General Prosecutor's Office. It is coordinated by the Deputy General Directorate for Legal Affairs of the General Secretariat for Immigration and Emigration.

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**2015 ANNUAL REPORT ON IMMIGRATION AND ASYLUM POLICIES
NATIONAL REPORT SPAIN (PART 1)
2015 NATIONAL CONTRIBUTION TO THE ANNUAL REPORTS OF THE
COMMISSION AND OF THE EUROPEAN ASYLUM SUPPORT OFFICE (EASO)**

1. LEGAL MIGRATION AND MOBILITY

1.1. Economic migration

1.1.1. *Satisfying labour market needs - admission policies*

Legislation concerning foreign nationals enshrines as one of the principles of Spain's migratory policy that labour flows are to be regulated in accordance with labour market needs.

Conventionally, this has meant that entry into and residence in Spain by foreign workers are subject to, among others, the requirement of passing a labour market test, [*situación nacional de empleo*]. Priority in job access is given to jobseekers who are already resident, whether they are Spanish nationals, European Union citizens or third-country nationals.

Nonetheless, and as concluded by the EMN study prepared by the National Contact Point for Spain on the *Determination of the requirements of labour and labour migration of third-country nationals in Spain*, the national employment situation is used to meet cyclical and specific labour shortages **but it is more difficult to determine the existence of structural foreign labour shortages**. In particular, the boost given to the internationalisation of economic activity in Spain has brought to light a structural need for **workers with international experience**. In relation to this structural need, it is not possible to define current labour needs for the required new skills and capacities with the national employment situation. Hence, residence permits for reasons of economic interest provided for in the International Mobility section (Section 2 of Title V) of the Entrepreneurs Act (*Ley 14/2013*) of 27 September 2013 (qualified migration) are exempt from the application of the national employment situation.

As a result, any analysis of admission policies based on labour market needs (the subject of this first section) must differentiate between qualified migration and the conventional migratory scheme.

a) *Qualified migration: continuous improvement of international mobility policy*

First evaluation report

The International Mobility section of the Entrepreneurs Act is **required to undergo annual monitoring and review**, which can generate proposals for improving the policy. This annual review is one of the strengths of the Spanish system since it allows Spain to maintain and increase its capacity for attracting talent and foreign entrepreneurship in order to better meet the current needs of staff with international experience.

The first report on the application of the International Mobility section of the Entrepreneurs Act of 27 September 2013 was submitted to the Council of Ministers on 10 April 2015. All ministries affected by its implementation were involved in drafting the report (Ministry of Employment and Social Security, Ministry of Economy and Competitiveness, Ministry of Foreign Affairs and Cooperation, and Ministry of the Interior). In compliance with transparency commitments, the report was also

published (in Spanish and English) on the website of the Secretariat General for Immigration and Emigration¹.

The report concludes that the new regulation has made a positive contribution to establishing a framework conducive to internationalisation by enhancing Spain's position as a destination for investment and talent². During the first year (cumulative data as at 31 December 2014), the estimated received investment value amounted to EUR 694 million and it is estimated that 12,685 new jobs were created, of which 8,581 were directly and 4,104 indirectly generated under this legislation. In addition to describing its impact, the report gives a long list of the recommendations incorporated into the Spanish model by the reform of this section in July 2015. Lastly, in terms of its implementation, the following priorities were considered: progress in promoting the legislation both nationally and internationally; improvements in management by reconciling flexibility with quality and security; better equipment of certain units and speedier exchange of information between management centres.

The report on the second annual review is currently underway. Although the report has not yet been submitted to the Council of Ministers, we can refer here to its cumulative impact up to 31 December 2015: the estimated investment value is now in excess of EUR 1,300 million and the estimated number of jobs stands at 20,400.

Reform of the International Mobility Section

In 2015, the Spanish Parliament amended the Mobility Section by the Additional provision 11 of the Second Opportunity Mechanism Act (Ley 25/2015) of 28 July 2015 (BOE – Official State Gazette – of 29 July 2015).

This change was introduced on the basis of experience gained during the first year of application of the Entrepreneurs Act, as described in its evaluation report.

This reform also led to the full transposition into Spanish law of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on intra-corporate transfers (the ICT Directive). As stated in the 2014 annual report and reported to the Commission on 30 July 2014, many of the aspects regulated in the EU Directive were already covered by national legislation. However, matters related to intra-mobility had yet to be transposed into national law. With the publication of this reform in July 2015 and its communication to the Commission on 16 September 2015, transposition is now complete and Spain is among the first EU countries to meet its transposition duty.

The reform is intended to increase the competitiveness of Spain's international mobility system by improving the regulation of the investor category: it introduces the figure of the investor representative, creates a fast track for registered companies, expands the scope of family beneficiaries and seeks to promote regularity during the processing of extensions.

¹ Secretariat General for Immigration and Emigration. Report on the Application of the *International Mobility Section of the Entrepreneurs Act of 27 September 2013*. April 2015

² Spain was awarded a positive rating in the Services Trade Restrictiveness Index (STRI), presented at the OECD Ministerial Council Meeting in May 2014.

The specific aspects introduced by this reform will be detailed in the study of each category.

Promotion of international mobility: bilateral and multilateral actions

Following the approval of the International Mobility section, the Secretariat General for Immigration and Emigration has focused certain actions on negotiations with other countries with a view to obtaining the same immigration advantages for Spanish companies and professionals established there, as provided in the Entrepreneurs Act. Some of these actions have been directed to Latin American countries, given the close ties between Latin America and Spain.

As with the Memorandum of Understanding signed with Mexico in 2014, the Memorandum of Understanding signed on 11 June 2015 between the Ministry of Employment and Social Security of Spain and the Ministry of Labour, Employment and Social Security of the Republic of Paraguay had the aim of eliminating administrative barriers and obstacles hindering the migratory movements of qualified categories in order to promote the development of both countries. It is envisaged that the success of these initiatives will be extended to other countries.

At multilateral level, one of the activities scheduled for 2016 is Spain's active participation in the drafting of the Veracruz Declaration for the creation of an Ibero-American mobility space.

Bilateral agreements for the mobility of young professionals

In 2015, new mobility agreements for young professionals were drawn up in a similar vein to those already signed with Australia, Canada and New Zealand. These agreements are expected to be signed in 2016.

Work was also carried out to raise awareness of these agreements, which were included in briefings and training sessions with Spanish universities.

Outreach

In a bid to raise the profile of the main aspects of this admission and residence system and, in particular, to describe the scope of the new aspects following the reform of July 2015, outreach activities were carried out with the main beneficiaries (undertakings, universities, business schools, accelerators and organisations working with entrepreneurs). Hence, the actions and cooperation with agents serving as multipliers of awareness of this Act through a capillary effect have continued. See point 3.1.

One of the more significant actions was the event held on 25 September 2015 to celebrate the second anniversary of the approval of the International Mobility Section, bringing together the people behind the reform and the main agents involved, who presented their success stories.

b) Labour migration

Hiring in country of origin

In recent years, circumstances such as the economic downturn having had a more severe effect on specific industries like construction, current unemployment rates being particularly high among the foreign community (in the last quarter of 2015, the unemployment rate stood at 20.9% of the entire labour force and 28.38% among the foreign-born population³), and the need to prioritise the hiring of Spanish nationals and foreign nationals who are already resident have **reduced the need to hire non-resident third-country nationals**, and this has translated into a slackening in the inflow of foreign workers.

Hiring in the country of origin (one of the instruments which allows for the scheduled recruitment of foreign workers not currently staying or residing in Spain) now operates only in respect of agriculture, targeting those countries with which an agreement on migratory flows is in place, such as Morocco, in so far as circular migration of this sort is considered good practice. Hence, the applicability of Order ESS/1/2012, dated 5 January 2012, was extended to 2015⁴. This Order governs the collective management of recruitment in a country of origin solely for the hiring of seasonal agricultural workers from Morocco.

Promotion of the recruitment of resident foreign nationals and Spanish nationals

The profile of foreign nationals already residing in Spain (a higher proportion of whom have intermediate/low qualification levels) and the current needs of the labour market (which call for new skills and capacities) have determined that **retraining, professional recycling and increased employability are essential elements** of the employment policy as well as immigration policies.

Increasing employability.

To improve coordination between the diverse government authorities involved in active employment policies and to promote the efficient management of resources for integration, the 2015 Annual Employment Policy Plan was adopted (Decision dated 29 July 2015, of the State Secretariat for Employment, publishing the agreement of the Council of Ministers dated 24 July 2015)⁵.

This annual plan sets out the 2014-2016 Spanish Strategy for Employment Activation (approved by Royal Decree 751/2014, of 5 September 2014) and is framed within the

³ National Institute of Statistics. Labour Force Survey (EPA – Encuesta de Población Activa). Press release. Fourth quarter of 2015. Madrid, 28 January 2016.

⁴ Order ESS/2811/2015, of 22 December 2015, extending the term of effect of Order ESS/1/2012, of 5 January 2012, governing the collective management of recruitment in countries of origin for 2012.

⁵ The Annual Employment Policy Plan is an annual instrument for the coordination of the National Employment System (*Sistema Nacional de Empleo*), which comprises both the central Government's employment service and the employment services of the Autonomous Communities. Each year, this plan outlines the aims of the Spanish Employment Strategy to be met across Spain and in the diverse Autonomous Communities, and the indicators that will be used to determine the extent to which they have been met. It is therefore designed as a tool to evaluate the actions and measures of active employment policies developed by both the National Public Employment Service and by the employment services of the Autonomous Communities.

context of reforms to the 2015-2018 Stability Programme and the 2015 National Reforms Programme.

The 2015 Annual Employment Plan has five strategic objectives:

1. To improve the employability of young people and launch the Youth Safeguards Implementing Plan in Spain.
2. To support the employability of other groups especially affected by unemployment: persons aged 45 years and over who are long-term unemployed and beneficiaries of the PREPARA programme.
3. To improve the quality of vocational training for employment.
4. To strengthen the connections of active and passive employment policies.
5. To encourage entrepreneurship as an inseparable part of employment activation and recovery.

Unemployed foreign workers may, in their capacity as workers, participate in the services and actions that they promote.

New actions for 2015 include the adoption of Royal Legislative Decree 3/2015, of 23 October 2015, approving the revised text of the Employment Act. This new Decree integrates and harmonises all regulations affecting the Employment Act (*Ley 56/2003*) of 16 December 2003. The new Act makes express mention of the immigrant community and considers this group an ongoing priority for the actions of specific employment programmes rolled out by the State and the Autonomous Communities (Article 30.1 of the cited legal text).

c) Increased qualified employment

Foreign employment is still centred around services and elementary occupations, although the Labour Force Survey of the second quarter of 2015 has recorded an increase in qualified and highly qualified occupations among the foreign population in various sectors. Craftspersons and skilled workers in manufacturing industries increased from 218,000 in the second quarter of 2014 to 221,700 in the second quarter of 2015. Increases were also observed among skilled workers in the primary sector (from 37,100 to 43,600) and executives and managers (from 51,000 to 61,200).

There is a degree of diversification in sectors of the job market where the foreign population is beginning to relocate. For example, significant year-on-year increases have been observed in the hiring of foreign labour in economic activities such as storage and ancillary industries to transport (28.13% year-on-year increase), food industries (27.85%), and administrative and office activities (25.76%), among others.

This increase in skilled occupations could be explained, among other factors, by Spain's improved capacity for attracting qualified migration and a gradual improvement in the employability of foreign nationals.

1.1.2. Efforts to avoid 'social dumping'

Efforts made in 2015 to avoid social dumping were framed by two types of constant action in the Spanish migratory model: prior control and subsequent control.

As explained in previous reports, Spanish immigration legislation requires **prior checks to be conducted on labour aspects** when granting a permit for residence and work. For example, the documents that must be submitted include the employment contract. The conditions set out in these contracts must conform to the regulations and applicable collective bargaining agreement for the activity, professional category and geographical area.

The performance of inspections is key to **subsequent control** and, as of 2015, these activities are governed by new regulations. One of the most significant developments to prevent social dumping is the adoption of the **Labour and Social Security Inspectorate Act (Ley 23/2015), of 21 July 2015**. This new regulation refers expressly to immigration issues in a separate section. For example, the control of compliance with regulations on "emigration, migration and the work of foreigners" is also considered to be covered by the inspection system (Article 1.2).

The latest report of the Labour and Social Security Inspectorate, published in 2015, describes the actions performed under the "Working Conditions Discriminating against Migrant Workers" programme, directed at situations affecting legal foreign workers⁶.

1.1.3. Facilitating admission

A. Highly qualified professionals

In Spain, the International Mobility section of the Entrepreneurs Act includes a residence and work permit for highly qualified professionals that coexists with the provisions of the Act on the Rights and Freedoms of Foreign Nationals (*Ley Orgánica 4/2000*) and its implementing regulations on work permits for highly qualified workers holding a blue card (as a result of the transposition of the Blue Card Directive). This more favourable national system provides for: faster processing; non-application of the National Employment Situation, and a more flexible definition of *highly qualified professional* on a case-by-case basis without salary limits and with specific reference to young graduates and post-graduates from prestigious universities and business schools.

Of the new developments, from July 2015, large companies and SMEs in strategic sectors can apply for **registration in the Large Business and Strategic Groups Unit (UGE)**. With this free registration, companies sponsoring highly qualified professionals do not need to prove that they meet the conditions to enjoy *large company* status or the status of *strategic sector SME*. Their entry is valid for three years and any change affecting these elements should be reported to the UGE.

⁶ Annual Report of the Labour and Social Security Inspectorate. 2015. Page 91. http://www.empleo.gob.es/itss/ITSS/ITSS_Descargas/Que_hacemos/Memorias/Memoria_2014_2.pdf

Furthermore, **the extension of their immigration status** until resolution of the administrative procedure regarding permits for highly qualified professionals (which was not expressly provided for in the International Mobility section and which, following the reform, is now recognised for any of the permits regulated under the latter) **favours status changes**, especially in the case of international students who have found jobs as highly qualified professionals.

B. Intra-corporate transfers

The reform of the International Mobility section has had a considerable effect on the intra-corporate transfers category. As mentioned earlier, the reform of July 2015 **fully transposed the ICT Directive into Spanish law**.

Subsequent to the transposition, **there are now two permits**: the intra-corporate ICT-EU transfer permit, for transfers covered by the Directive – managers, specialists and trainee workers – which benefit from intra-EU mobility, and the national permit for intra-corporate transfer, for transfers not included in any of the categories of the Directive. With this national permit, Spanish law contemplates legal concepts created under trade agreements, such as independent professionals (IPs) and contractual service suppliers (CSSs) transferred under an agreement between two companies not forming part of the same group but tied by a business relationship. Both categories are included in MODE 4, negotiated as part of trade agreements.

Moreover, since July 2015, foreign nationals holding an ICT-EU permit issued by another Member State may **relocate to Spain on an intra-mobility basis subject only to notification to the UGE** (without the need to apply for any additional permit). This is highly significant because the Spanish legislature has opted for the most flexible mechanism of those available under the Directive, granting full effectiveness to permits issued by other States.

The reform of the International Mobility section also provides, under the ICT Directive, for an **ultra-fast track** for companies in strategic sectors or those registered with the UGE as having large company status. Following their registration, they are exempt from proving certain requirements laid down in the regulation.

C. Seasonal workers

On 30 July 2015, the Commission was informed of the transposition of Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

Its provisions were already contemplated in the Spanish legal system so no further transposition measures were necessary.

The term of Order ESS/1/2012, dated 5 January 2012, was extended during 2015 by Order ESS/2505/2014, dated 29 December 2014. This Order governs the collective management of recruitment in country of origin, solely for the hire of seasonal agricultural workers and preferentially from countries with which Spain has signed an agreement on the regulation of migrant worker flows. This was maintained because it is considered good practice for circular migration in cooperation with countries of origin, as is the case with Morocco.

D. Foreign entrepreneurs

Spain has a specific admission system for foreign entrepreneurs seeking to develop innovative activities in Spain. Unlike other permits designed to attract and retain foreign entrepreneurship, Spain sets no conditions for minimum investment or job creation. The most important features are the innovative nature of the project and its associated special economic interest, which is studied in the business plan (an essential document for this category). This analysis is reserved for the experts of the Ministry of Economy and Competitiveness.

The reform of the International Mobility Section has further developed the one-stop shop principle and done away with certain procedures for the entrepreneur. Previously, two applications were necessary: one for the report on the activity and another to obtain the residence permit. Now, however, foreign nationals who are already in Spain and wish to launch an innovative project should submit a single application to the UGE, which will ask the Ministry of Economy and Competitiveness, ex officio, to evaluate the business plan.

In addition, the reform has enshrined the contents of the business plan in law, although the flexibility of the Spanish model has been maintained: minimum investments or the creation of a minimum number of jobs are not required.

As in the case of highly qualified professionals, **the extension of immigration status** until the resolution of the administrative procedure **favours changes in status**, especially in the case of international students of business schools seeking to become entrepreneurs after completing their studies.

Lastly, in a bid to attract more innovative entrepreneurs and improve this environment, work is underway on a specific programme for entrepreneurs that will be rolled out in 2016 with accompaniment, soft-landing and financial support for selected entrepreneurs.

E. Au pairs

No actions were carried out with this group of foreign nationals.

F. Other groups

Foreign investors

Spain has had a specific system in place to attract foreign investors since September 2013.

The reform of 2015 has attempted to improve certain issues highlighted in the evaluation report:

- The legal concept of an investor's "representative" has been set up for the purpose of managing a project in the public interest. This is in response to demand from the business sector to enable companies to win international contracts abroad and gain foreign customers.

- The minimum thresholds of significant capital investment have not been changed, but the significant investment concept has been expanded to include a new

circumstance: the investment of €1 million in investment funds, closed investment funds and venture capital funds set up in Spain.

- Visas or permits may be granted to investors who have not yet completed on the purchase of a property but who have signed a letter of intent or a contract involving earnest money and where the amount of the investment is held in a restricted account.
- The effects of the visa are clarified: it allows the holder to reside and work.
- As in other categories, applications for residence permits can be accepted for investors in Spain from foreigners whose situation is already legal.
- The renewal term is extended to 5 years.

1.1.4. Guaranteeing certain rights for third-country nationals who are already legally resident on the territory

A. Long-term residence

The regulations affecting long-term residence remained unchanged in 2015.

In broad terms, the immigration legislation states that long-term residence is a situation authorising the subject to reside and work in Spain indefinitely under the same conditions as Spaniards. It is regulated under Article 32 of the Act on the Rights, Freedoms and Social Integration of Foreigners in Spain (*Ley Orgánica 4/2000*) of 11 January 2000 (Articles 16 to 19) and under 147 et seq. of its implementing regulations, approved by Royal Decree 557/2011, of 20 April 2011 (RLOEX), and differentiates between a national system and an EU long-term residence.

Under this legislation, and without limitation, persons who have held temporary residence in Spain continuously for five years and who meet the conditions set out in law are entitled to long-term residence.

B. Equal treatment

No regulatory changes were made in 2015 affecting the rights of foreign nationals in Spain or the principle of equal treatment, which is one of the fundamental principles of Spanish immigration legislation (Articles 2 bis, 3 and 23 of *Ley Orgánica 4/2000*).

The provisions of the Single Permit Directive (Directive 2011/98) regarding the catalogue of rights of foreign nationals holding the single permit were already widely recognised in Spanish law and the legislature has not made use of the limitations permitted by the Directive. This was reported to the Commission on 25 June 2015.

C. Intra-EU mobility

Transposition of the ICT Directive has led to the recognition of a new immigration category, intra-corporate transfers, giving the right to the intra-EU mobility when the subject holds an EU ICT permit for intra-company transfer.

Holders of this permit issued in Spain may be transferred to another workplace in another EU country under the procedures provided by each country for intramobility purposes. Holders of this permit where issued by another Member State may be transferred to Spain following communication of this circumstance to the UGE.

1.2. Students and researchers

The Strategy for Internationalisation of Spanish Universities (adopted in 2014) states that internationalisation is key to raising the standard of Spanish universities and has the potential to drive reform of the Spanish university system to improve its efficiency, excellence and competitiveness on the global stage.

For the purpose of increasing the attraction of foreign talent by Spanish universities, the Strategy identifies a range of objectives and operational actions, such as: *support to the arrival of third-country students, faculty and researchers.*

To meet this aim, several activities were rolled out in 2015 that will be continued throughout 2016 and which are in line with those developed by the European Union. The European Agenda for Migration, for example, stresses the need for Europe to “continue to be an attractive destination for the talent and entrepreneurship of students, researchers and workers”. The Agenda refers explicitly to the existence of a range of European schemes, such as Horizon 2020 and Erasmus+, with their international dimension, as cornerstones for attracting talent to the EU.

The actions developed in 2015 all have a common denominator: **cooperation between all of the agents involved**. This cooperation is one of the main strengths of the system designed and implemented in Spain for talent attraction and retention.

The inter-ministerial working group, which is chaired by the Spanish Service for the Internationalisation of Education (SEPIE) and includes representatives from the Ministry of Education, Culture and Sport (Secretariat General for Universities and SEPIE), Secretariat General for Immigration and Emigration, Ministry of the Interior, Ministry of Foreign Affairs and Cooperation, Ministry of Finance and Public Administration and the ICEX, has made progress in the adoption of the following actions.

1. Cooperation agreement to support the arrival of foreign researchers, teachers and students (signed in November 2015).

The main purpose of this agreement is to support the entry of students forming part of the international dimension of the Erasmus+ programme and other international mobility programmes. It also makes reference to foreign researchers and teachers.

Following a prior diagnosis, the Agreement:

§ Promotes closer communication and cooperation with universities so that lists can be sent to both the Ministry of Foreign Affairs and the police in order to speed up the issue of visas and permits via planned procedures where the applicant comes within the framework of international mobility and student exchange schemes such as Erasmus+ and others.

§ Sets specific days and office hours for carrying out procedures.

§ For teachers and researchers, the agreement adheres to the specific streamlined scheme already implemented by the Entrepreneurs Act.

In addition, it sets up a Monitoring Committee for the discussion of difficulties arising in the admission of international students, researchers and teachers in order to come up with coordinated and flexible solutions.

2. Regulatory measures

The immigration legislation specifies a stay scheme for international students (*Ley Orgánica 4/2000*, the statute on foreign nationals, and its implementing regulation). This scheme was adopted to implement Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies. The adoption of the new Directive for students and researchers in 2016⁷ will mark the start of reform activities to adapt the Spanish legislation to the contents of the Directive.

3. Impetus to promotion and information

The diagnosis of the working group found that 57.7% of researchers attracted under the Entrepreneurs Act were recruited directly by universities. Despite this, the potential beneficiaries of the Entrepreneurs Act are still largely unaware of its possibilities, so efforts to raise awareness are required. The international dimension of Erasmus+ also requires actions to raise awareness of the scheme of international student admissions.

The following measures were taken in this respect:

1. Informative meeting events

SEPIE is setting in motion informative events to raise awareness of the rules on visa and permit issuance for students and higher education staff aimed at the University administrative staff who usually handle these procedures. Members of the working group have taken part.

2. Enhanced information

In the awareness of the importance of supplying information in an accessible and attractive form, SEPIE has produced informational brochures in Spanish and English aimed at:

§ International students who are EU/EEA/Swiss nationals.

§ International students who are not EU/EEA/Swiss nationals.

§ Teachers: brochures aimed at both teachers and universities.

⁷ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

§ Key aspects of the international mobility section of the Entrepreneurs Act.

The production of the brochures has actively involved all members of the working group so as to provide accurate information set out in simple, clear language tailored to each group. The brochures are distributed at international fairs and events and at informative meetings. They are available on the SEPIE website and are set to be published on the websites of the other bodies and departments involved.

4. Status changes

The Entrepreneurs Act is designed to attract and retain foreign talent by facilitating a change of status for international students. As mentioned earlier, this means that once they have completed their studies, these students may stay in Spain if they intend to set up an innovative entrepreneurial venture or have found a job as a highly qualified professional. These status changes are facilitated by having their **study permit extended once the application has been submitted (following the reform of the International Mobility section in July 2015)**.

Nonetheless, Spain does not currently have a jobseekers' permit that could be of benefit to changes in studies and functions as a means of retaining foreign talent.

Cooperation with third countries

In addition to the international dimension of the Erasmus+ programme, Spain participates in several international programmes involving the stay in Spain of international students for certain periods, extending their education abroad and allowing them to act as agents of change on their return to their country of origin.

The international programmes carried out in cooperation with third countries in 2015 include:

The Brazil Science without Borders programme to foster the consolidation, expansion and internationalisation of science and technology, innovation and Brazilian competitiveness through international mobility and exchange. The most recent competition in this programme was launched in 2013 and has allowed Brazilian students, researchers and professors to stay at Spanish universities during the 2014-2015 academic year.

The Chinese Government scholarship programme for Spanish students in China.

1.3. Family reunification

The Entrepreneurs Act of 27 September 2013 establishes a specific family reunification scheme for groups covered by the International Mobility section of this Act, i.e. investors, entrepreneurs, highly qualified professionals, researchers and workers engaged in intra-corporate transfers within the same company or corporate group.

The reform introduced by the Second Opportunity Mechanism Act (*Ley 25/2015*) increases the scope of family reunification for these groups by extending the definition of family to include persons having an analogous relationship and children over the age of 18 years who are economically dependent on the permit holder and have not formed their own family unit, and ancestors who are dependent on the permit holder.

Another new feature implemented in 2015 is the regulation of the extended family of EU citizens. Following the reform of Royal Decree 240/2007, of 16 February 2007, on the entry, free movement and residence in Spain of citizens of the Member States of the European Union and of other States party to the agreement on the European Economic Area, third-country nationals forming part of the “extended family” can, if they meet the requirements, receive the card for family members of an EU citizen and not the family scheme card (which was the one issued for this group before the reform).

1.4. Managing Migration and Mobility

1.4.1. Visa Policy

In 2015, Spain successfully deployed the VIS system in the relevant regions, in accordance with the planned schedule. There have been no policies or plans to adopt policies or unilateral measures of special relevance for the VIS or Visa Code, with the exception of the representation agreements listed below.

Member State with visa representation agreement	Country acting as representative
[see list below]	[see list below]

PERMANENT REPRESENTATION AGREEMENTS:

- Spain has represented France in Bissau since 1 January 2015.
- Spain has represented France in Kingston (Jamaica) since 1 July 2015.
- Spain has represented France in Port of Spain (Trinidad and Tobago) since 1 July 2015.
- Spain has represented Switzerland in Kingston (Jamaica) since 30 June 2015.
- Spain has represented Hungary in La Paz and Santa Cruz (Bolivia) since 1 December 2015.
- Spain has represented the Netherlands throughout Ecuador since 1 June 2015 (prior to that date, its representation was limited to the consular jurisdiction of the Consulate General in Quito).

TEMPORARY COOPERATION:

- Spain temporarily represented Malta in Equatorial Guinea between 6 October and 13 November 2015 to facilitate the participation of Guinean guests at the Valletta Summit on migration held on 11 and 12 November.
- Spain briefly assisted Portugal in Luanda (Angola) between late January and early February 2015 with the processing of short-term visas due to technical problems in the Portuguese visa management system.

REPRESENTATION NEGOTIATIONS UNDERWAY IN 2015:

- Spain successfully negotiated the representation of Norway in Caracas (Venezuela), which began on 16 January 2016.

Spain began negotiations with Portugal, Czech Republic, Greece, Malta and Portugal to expand its current representation to these Member States across Ecuador (it currently only covers the consular jurisdiction of the Consulate General of Spain in Quito).

1.4.2. Schengen Governance

Spain did not reintroduce temporary internal border controls in 2015

1.4.3. Ensuring that all Member States have efficient migration management systems in place in order to be prepared for fluctuating migration pressures

Cooperation with other Member States to maintain adequate control of external borders in the face of increased pressure from migration has followed the lines of previous years.

With regard to the specific situation of Spain, efforts made to tackle illegal migration and organised crime (human trafficking) in collaboration with countries of origin and transit have resulted in fewer illegal entries than previous years (compared, for example, to 2006 and its kayaks crisis). However, as indicated in last year's report, the intense pressure from illegal migration in the autonomous cities of Ceuta and Melilla has increased.

The FRONTEX report on border control for the third quarter of 2015 shows a steady increase in the number of detected cases of irregular migration. Masses of Syrian refugees are trying to enter Europe through the cities of Ceuta and Melilla. In the third quarter of 2015, more than 1,500 Syrians tried to enter through the autonomous cities, which represents a dramatic increase from the previous year's figures (just 50 cases).

In response, **efforts for the proper management of these external EU borders have been maintained and a number of reforms has been introduced to increase the capacity** of the Temporary Migrant Accommodation Centres (CETIs).

In relation to proper border management, April 2015 saw the entry into force of a reform of *Ley Orgánica 4/2000* (the statute on the rights and freedoms of foreign nationals in Spain)⁸, seeking to limit illegal entries into Spain through Ceuta and Melilla. This reform reinforces border rejections with full respect for human rights and, in particular, international protection and the principle of non-refoulement. The international protection offices set up in 2014 at the border crossings of Ceuta and Melilla allow people in need of international protection to formalise their application to the Spanish authorities with the assistance of a lawyer and interpreter.

⁸ New Additional provision 10 introduced by Final provision 1.1 of the Protection of Public Safety Act (*Ley Orgánica 4/2015*) of 30 March 2015.

The situation of the CETIs in 2015 has been one of overcrowding. The CETI of Melilla gave shelter to 1,264 people in August 2015, of whom 723 were Syrians and of these, 288 were minors. For its part, the Ceuta CETI housed 631 people.

Since the beginning of September 2015, work has been undertaken to extend and adapt the CETIs. Completion of the work on the CETI in Melilla is planned for February 2016, which will increase its capacity to 1,300 places. The works on the CETI in Ceuta will give it a capacity for 700 people.

The budget for 2016 has increased in the headings for humanitarian aid to migrants in order to cope with the increased pressures of the past year. The budget increases the subsidy for refugees, asylum-seekers and beneficiaries of international protection by 7.21% in a bit to improve care for the growing numbers of refugees and resettled persons (especially those displaced by the Syrian conflict), the headings for the Temporary Migrant Accommodation Centres (CETIs) and Refugee Centres (CARs), and aid to non-governmental organisations.

The scope of the Cooperation Agreement between the Ministry of Employment and Social Security and the city of Ceuta has been expanded to cover activities for the reception and integration of migrants and educational reinforcement.

2. INTEGRATION

2.1.1. *Promoting integration through : socio-economic participation*

The integration of the foreign-born population remained one of the fundamental lines of action of Spanish immigration policy in 2015. By integrating migrants correctly into the social, economic and cultural scope of the host society, we can guarantee social cohesion and therefore optimise the positive effects of migration.

Labour integration

As reported in the study *La integración de los migrantes en España: una propuesta de medición a escala regional* (Migrant Integration in Spain: a Regional Measurement Proposal), one of the main difficulties with migrant integration is the high employment rates. The sectors with high concentrations of foreign labour were the hardest hit by the crisis and this, coupled with the new demands of the labour market, has led to the need for government action targeting the foreign-born population, characterised by the National Action Plan for Social Inclusion 2013-2016 as one of the most vulnerable social groups in Spain.

New developments in 2015 include the new **Operational Programme for Social Inclusion and Social Economy** (POISES) in Spain, co-financed by the European Social Fund in the new funding cycle for 2014-2020 and approved as part of the effort to consolidate smart, sustainable and, above all, inclusive growth.

In the framework of this programme, Spain will invest €1.1 billion, including €800 million contributed by the European Social Fund (ESF), to enhance job opportunities for those people who are at the furthest removed from the labour

market and to boost the role of the social economy. Among its beneficiaries are foreign nationals, for whom it will seek to promote social inclusion, foster diversity and equal treatment, and combat all forms of discrimination, among other objectives.

The activities developed under this Operational Programme share the aims of the **active employment policies**; since the onset of the crisis, these policies have become a basic instrument for matching job-seeker skills to new labour market needs, thereby increasing their chances of access to employment. (See 1.1.1.)

The programmes developed in 2015 carry on those of previous years: recruitment support schemes; information, guidance, job searching and self-employment; vocational training for employment, from the points of view of supply and demand; the PREPARA programme, and, tying in closely with vocational training, Professional Skills Certificates. Likewise, the National Youth Safeguards System, which is open to foreigners holding a permit to reside in Spain with the possibility of employment, has been kept running.

As in previous years, the community of foreign workers participates in and benefits from the measures of active employment policies under the same conditions as unemployed Spanish nationals, provided that they are affected by the circumstances established as requirements in the actions developed under these programmes.

Spain develops **employment schemes carried out by non-profit social organisations through the annual calls for proposals** of the Directorate General for Immigration (Secretariat General for Immigration and Emigration) and co-financed by the European Social Fund. These schemes complement the active employment policies and, unlike the latter, are specifically addressed to migrants in situations of poverty or social exclusion.

These schemes have mainly involved actions to develop personalised integrated job placement pathways for both salaried employment and self-employment, in order to adapt the skills of foreign nationals to the requirements of the Spanish labour market. These actions placed special emphasis this year on: the job placement of trafficking victims; the revitalisation of economic activity in rural areas with low population density by fostering mobility and the employability of foreign nationals; support to professional diversification in an attempt to expand the possibilities of promotion and professional mobility, and the promotion of equal treatment and non-discrimination in the workplace (raising awareness among employers and managers, diversity management, studies and publications, etc.).

Besides active employment policies and schemes to promote the correct socio-economic integration of foreign nationals in Spain, another activity that was continued in 2015 was the drafting and study of the **Integration Effort Report in order to prevent supervening irregularity**.

To prevent the job market situation from adversely affecting foreign nationals who are fully integrated into Spanish society but who have not completed the minimum period of contribution to Social Security due to having lost their jobs, the Spanish legislation provides for taking into consideration the "Integration Effort Report". This report determines the extent of the migrant's integration with society. If this possibility did not exist, foreign workers who are in fact integrated with Spanish society would

become subject to a situation of irregularity given the impossibility of renewing their permits.

Language teaching

Knowledge of the language is central to the integration of foreign nationals. Hence, many of the actions deployed in the framework of integration programmes including the learning of the language.

Language learning

The basic knowledge programmes were maintained in 2015 (language, history, institutions, law, culture and framework of coexistence in Spanish society), including language courses for Spanish and other co-official languages.

Spanish courses were also taught as part of the integrated reception programmes for vulnerable migrants, the purpose of which is to attend to their basic needs and provide services to support their social integration, with a special emphasis on victims of human trafficking for the purposes of sexual exploitation.

Lastly, extra-curricular educational programmes have been carried out to integrate children and young people into the education system through extra-curricular activities such as learning Spanish and other co-official languages and knowledge of the Spanish culture, in addition to other types of training and intercultural actions. These programmes are managed by non-profit social organisations that receive grants from the Secretariat General for Immigration and Emigration (Ministry of Employment and Social Security).

Knowledge of the language and acquisition of Spanish nationality

Final provision 7 of the Justice and Civil Registries Reform Act (*Ley 19/2015*) of 13 July 2015, regulates the procedure for obtaining Spanish nationality on residence grounds. This procedure establishes the relationship between integration and access to Spanish nationality, and details the requirement set out in Article 22.4 of the Civil Code for access thereto: "*sufficient integration in Spanish society*". Following this reform, sufficient integration is assessed by **an examination on knowledge of the language and values and principles of Spanish society** from the Instituto Cervantes.

Performance of children in the education system

Equality in the exercise of the right to education is guaranteed by a series of measures and programmes seeking to:

- Avoid segregation at school.
- Improve coexistence among students: Coexistence Plans.
- Promote the social, cultural and educational inclusion of children (the MUS-E programme included under the Cooperation Agreement between the Ministry of Education and the Yehudi Menuhin Foundation in Spain was launched in the 1997-1998 academic year in schools in Ceuta and Melilla).
- Training of teachers and educational professionals in respect for human rights.

With regard to developments in coexistence plans and the training of teachers and educational professionals in 2015, the Ministry of Education, Culture and Sport has carried out the following actions.

Progress has been made in the design of the Strategic Plan for Coexistence in Schools. This, together with the Coexistence in Schools Plans of the Autonomous Communities, will act as a framework for schools to develop their own coexistence plans within their own rules of organisation and operation.

Other governmental and non-governmental institutions as well as prestigious experts have also participated in the design process. The Plan seeks to contribute to the expansion and improvement of actions for coexistence in schools, providing resources and encouraging the implementation of educational actions that have been shown to be effective in very diverse environments, and which have been endorsed by the international scientific community as guarantors of improved coexistence and success at school.

In line with the most relevant scientific approaches, the Strategic Plan for Coexistence in Schools has seven pillars:

1. Inclusive education
2. Community involvement
3. Learning and coexistence
4. Education in feelings and friendship
5. Socialisation to prevent gender-based violence
6. Prevention of violence from early childhood
7. Care and attention to the use of information and communication technologies

All of these, and the first three in particular, have a direct impact on the integration of children of foreign nationals.

Another development benefitting the entire educational community is **the new coexistence in schools website** launched by the Ministry of Education, Culture and Sport, which offers a range of materials and resources to foster coexistence in schools.

Lastly, the Ministry of Education has signed agreements with the autonomous cities of Ceuta and Melilla to foster the integration of students with special educational needs in an attempt to tackle the difficulties faced by these minors due to delayed schooling, lack of knowledge of the language or cultural differences.

2.1.2. Promoting integration through participation: rights and obligations, achieving equal treatment and belonging :

a) Institutionalised mechanisms of participation

The Forum for the Social integration of Migrants and the Council for the Promotion of Equal Treatment and the Non-Discrimination of Persons based on Race or Ethnic Origin are two of the main organisations set up to encourage migrants to take part in public actions.

On 29 July 2015, the Forum was installed in office for a new term from 2015 to 2018.

The Forum is composed of a Chair, two Vice-Chairs and 30 members representing government authorities, associations of migrants and refugees, and social support organisations with an interest and activity related to immigration matters (NGOs, trade unions and business organisations). It can also include up to 3 observers (social organisations whose activity, while not directly related to immigration, has a positive impact on the integration of migrants).

During the renewal of office of the Forum⁹ mentioned in the 2014 study, the seats of two members representing migrant and refugee associations and one representing business organisations became vacant. A new selection procedure was launched to fill these vacancies¹⁰ during which seven applications were received, currently being studied.

One example of the actions implemented by the Forum include the Ad-Hoc Working Group set up within the Forum on 30 November 2015 under the name: "Migrant Associations in Spain", charged with issuing a report on the situation of migrant associations in Spain.

At legislative level, the adoption in 2015 of the Volunteer Act (*Ley 45/2015*), on 14 October 2015, and the Social Action Third Sector Act (*Ley 43/2015*), of 9 October 2015 reinforces the capacity of third-sector organisations as contacts with General Government in matters of social policy.

Lastly, in 2015, the Spanish Government continued its promotional measures by awarding grants to non-profit social organisations to develop programmes for the consolidation of migrant associations in Spain.

b) Intervention through democratic participation.

In May 2015, local elections were held in Spain. In addition to citizens of the European Union, eligibility to vote attaches to the nationals of Bolivia, Cape Verde, Chile, Colombia, Korea, Ecuador, Iceland, Norway, New Zealand, Paraguay, Peru and Trinidad and Tobago, these being countries with which Spain has entered into reciprocity agreements.

⁹ Order ESS/1954/2014, of 21 October 2014, implementing and initiating the process of selection for the appointment of members of the Forum for the Integration of Migrants.

¹⁰ Order ESS/2533/2015, of 20 November 2015, implementing and initiating the selection process supplementing that of Order ESS/1954/2014, of 21 October, for the appointment of members of the Forum for the Integration of Migrants.

2.1.3. Promoting integration of specific groups

The general programmes and measures for integration include specific groups that require concrete actions tailored to their circumstances, such as minors, accompanied or otherwise, victims of domestic abuse, rape or human trafficking for diverse purposes, or the special condition and circumstances of applicants and beneficiaries of international protection, for example.

The Spanish Government has developed the following actions for these groups:

A) Children

At legislative level, the system in place to protect children and adolescents was updated in 2015¹¹. The new regulatory framework expressly includes foreign minors and, within the set of provisions aimed at the protection of minors, integrates principles already enshrined in immigration law (such as the right to education, health care and social services regardless of administrative status).

The programmes developed to protect children and adolescents include the second National Strategic Plan for Children and Adolescents 2013-2016 (II PENIA), which introduces a range of measures aimed at stepping up action with children in families of foreign origin and promoting and supporting programmes for the temporary stay of foreign-born minors in Spain.

Unaccompanied foreign minors received special attention, both upon arrival and during the initial or subsequent reception phases, with the appropriate transfers and support tailored to their situation. Both Ceuta and Melilla have received significant waves of migration that have made it impossible to provide continued care in these geographically limited territories. Hence, in 2015, the DGM has continued to offer support to these autonomous cities through cooperation agreements with a financial contribution to improve care at their reception centres. This year has seen the continued application of the protocol of action harmonising the standards of action of public and private actors in the various phases that UAMs go through from the moment they enter Spain, under the principle of the best interests of the child.

B) Women

To combat the various problems affecting migrant women specifically, in 2015, the Secretariat General for Immigration and Emigration has launched programmes for the creation of social support networks for prostituted migrant women and female victims of trafficking and domestic violence and their offspring.

Programmes for prevention and health promotion have also been carried out, with a special focus on women's reproductive and sexual health and child vaccination. Health programmes have also been introduced for this sector of the population in a bid to eradicate phenomena such as female genital mutilation.

Lastly, general support will be provided to programmes seeking to encourage the standardised access of women to programmes in general, promoting their empowerment, training and leadership, and their participation in society.

¹¹ The updating of the system for the protection of children and adolescents was implemented by means of *Ley Orgánica 8/2015* (a constitutional act amending the system for protection of children and adolescents) and *Ley 26/2015* (an ordinary act amending the system for the protection of children and adolescents).

C) Applicants and/or beneficiaries of international protection: comprehensive care strategy

To achieve the general aim of improving the reception and integration of this group, the Secretariat General for Immigration and Emigration has put in place a consolidated comprehensive care strategy, which was reinforced in 2015 to cover the increase in the number of applicants and/or beneficiaries of international protection.

As detailed in point 5 of this study, the Government Reception Network has been expanded by increasing the number of available places. A list of existing reception facilities has also been drawn up (with the addition of places made available by the Autonomous Communities and local entities) that takes into account the different groups and their specific needs.

The integration strategy, its phases and the specific services of the insertion pathway were maintained in 2015. While this pathway has not experienced major changes, it is worthwhile briefly describing its two phases.

The insertion pathway consists of the following two phases: a reception phase and an integration phase.

During the reception phase, following provisional shelter in an initial reception facility, applicants for international protection are transferred to reception centres or facilities. Their stay in the reception centre includes the following services: shelter, sustenance, clothing, expenses for basic personal needs and training activities.

The second phase of the insertion pathway, the integration phase, begins when the person leaves the reception facility or centre. It is geared towards developing a pathway of integration and progressive autonomy in which direct financial aid is offered to allow beneficiaries to meet the costs of rented housing and sustenance, transport, education and health.

2.1.4. Non-discrimination

Evaluation of the Comprehensive Strategy for Combatting Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance

The Spanish Observatory on Racism and Xenophobia (Oberaxe) published its Report on the Evaluation and Monitoring of the Comprehensive Strategy for combatting Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance¹², describing which of the actions proposed in the strategy were implemented. This report also pinpoints the areas requiring sustained efforts to achieve the objectives in combatting these attitudes.

Combatting hate crimes

The Criminal Code Amendment Act (*Ley Orgánica 1/2015*), of 30 March 2015, offers a more extensive and specific treatment for the prosecution of crimes of incitement to hatred and discrimination and the crime of genocide justification.

In particular, this reform of the Criminal Code reinforces the prosecution of discrimination, humiliation and incitement to hatred against minorities, ethnic groups or ideological groups with the inclusion of new criminal acts, such as the circulation of writings on the Internet to incite hatred with racist or xenophobic motives.

¹² Available at: http://explotacion.mtin.gob.es/oberaxe/inicio_descargaFichero?bibliotecaDatoId=4076

In 2015, the Ministry of the Interior presented its *Informe 2014 sobre incidentes relacionados con los delitos de odio en España (2014 report on Hate Crime Incidents in Spain)*. Racism and xenophobia was the second leading motive of hate crimes in 2014.

Awareness-raising and training actions

Between 2014 and 2015, Oberaxe rolled out its **FRIDA project**. The aim of the project is to highlight the importance of the integration of migrants and minorities in classrooms. It is at this stage that we start to live alongside people who are different to us and what children learn in the classroom is crucial to how they will behave in the future. At this point in their schooling, young people learn to value diversity as a source of enrichment rather than an obstacle. With this in mind, the project has raised awareness and trained members of the educational community (teachers, head teachers and tutors) in the prevention and detection of racism, xenophobia and other forms of intolerance in classrooms. The project was developed in collaboration with the Ministry of Education and all the regional governments, teaching professionals, associations, NGOs and international institutions¹³.

The programme was followed up by the publication of a **“Support Manual to Prevent and Stop Racism, Xenophobia and other Forms of Intolerance in the Classroom”**, which will be key to continuing training and raising awareness of the issue in Spanish classrooms.

With the similar goal of training and raising awareness to prevent and detect racism, xenophobia and other forms of intolerance, the Secretariat General for Immigration and Emigration has developed and signed a framework agreement with the State Prosecutor’s Office, General Council of the Judiciary, Ministry of Justice, Ministry of Health, Social Services and Equality, Ministry of Employment and Social Security and Ministry of the Interior and Centre for Legal Studies.

The aim is to develop actions to prevent and combat racism and xenophobia within the scope of competence of each signatory to the agreement. Particular emphasis is placed on the training of all bodies and forces involved in the **Administration of Justice** and on improving the recording of information on hate crimes and incidents, from the moment that they are reported by the police, if applicable, to their final resolution in the courts.

Actions with the European Union Agency for Fundamental Rights

The Spanish Observatory on Racism and Xenophobia, reporting to the Secretariat General for Immigration and Emigration, is the contact point for Spain in the EU Agency for Fundamental Rights (FRA) and participates in the “Working party on improving reporting and recording of hate crime in the EU”, leading sub-working group 2, called “Improving cooperation between institutions”. In this context, October 2015 saw the hosting of a seminar entitled “Inter-institutional cooperation to improve reporting and recording of hate crime: the Spanish experience”. It has also contributed 18 good practices of diverse government bodies and civil society entities in Spain to the European Compendium of practices for reporting and recording hate crime being prepared by the EU Fundamental Rights Agency.

¹³ <http://aulaintericultural.org/2015/06/22/proyecto-frida-de-sensibilizacion-en-las-aulas/>

Future actions

Among future actions are the plans to continue the FRIDA II project, which includes analysis of the situation of racism and xenophobia in schools, a programme to raise awareness in vulnerable areas, and a good practice guide.

The PANDORA project is also scheduled for implementation, intended to train medical emergency staff in the identification of hate crimes and recording of incidents and referral of victims to support organisations.

Other projects developed by non-profit entities

The Directorate General for Immigration funds programmes to promote equal treatment and non-discrimination in the workplace, co-financed by the ESF (European Social Fund), both for the integration of foreign nationals and for asylum-seekers and beneficiaries of international protection. In addition, programmes co-financed by the Asylum, Migration and Integration Fund (*Fondo de Asilo, Migración e Integración, FAMI*) have implemented measures such as the promotion of interculturalism and the social acceptance of diversity, particularly in schools, health clinics and generally any area where social mediation is a necessary tool of intervention. Programmes are also launched to combat racism, racial discrimination, xenophobia and related forms of intolerance.

2.1.5. Cooperation, consultation and coordination of stakeholders and promoting action at local level

No specific programmes were developed under this heading in 2015 but action was taken that reflected cooperation, consultation and coordination among the stakeholders and the promotion of local action, following the operations launched at the end of 2015 to prepare for the reception of refugees from diverse geographical areas.

On 8 September 2015, the Sectoral Immigration Conference met in a session chaired by the Minister of Employment and Social Security with the participation of all the regional ministers of the Autonomous Communities with powers relating to the integration of migrants and with the representation of the FEMP (the Spanish Federation of Municipalities and Provinces). These meetings were complemented by technical sessions held with the Directors General on 9 and 28 September.

Regional and local government play a vital role, since refugees are beneficiaries – on equal terms with Spanish citizens – of the general services provided for the whole of the population and within the scope of competence of the Autonomous Communities (health and education, among others) and councils (municipal registers and others).

This is in addition to the vast potential of the services provided by the Autonomous Communities and the Spanish Federation of Municipalities and Provinces to act as a hub for the management of the additional resources made available to the National System of Reception and Integration by the Autonomous Communities, local authorities and private entities.

Hence, a procedure has been implemented based on a software application for reporting to the Secretariat General for Immigration and Emigration on the housing resources and integration services available to the National System of Reception and Integration of Refugees by these governments.

2.1.6. *Involvement of countries of origin*

The involvement of countries of origin in the integration of migrants into the host society is key for **circular migration and seasonal workers**.

In the return phase, the support of countries of origin is an essential part of **voluntary return programmes**. In this regard, a call for proposals was approved by the Ruling dated 13 April 2015 for grants to promote voluntary return programmes in their various forms. Specifically, mention may be made of the assisted voluntary return and reintegration programme, with special attention to vulnerable persons: one of the features of this programme is the monitoring and support for reintegration in the return country through collaboration with the OEI one-stop shops programme or collaboration with any other public or private initiative, which can be of assistance to the returning person in this new stage of their life. The involvement of the country of origin is therefore decisive in this reintegration phase.

3. PROMOTION, INFORMATION AND AWARENESS RAISING

3.1. Routes to and conditions of legal migration

The website of the Secretariat General for Immigration and Emigration and the Immigration Portal provide up-to-date information on the conditions of admission, stay and residence of third-country nationals set out in general immigration legislation¹⁴. Using this website, any person wishing to travel to Spain to study, live or work can find out the necessary requirements for legal residence or stay. The downloadable documentation includes brochures in Spanish, English and French, and more detailed fact sheets with the requirements for each permit type and the application forms, in Spanish. There are also various links to procedures that can be performed online.

In 2015, following the changes made to the International Mobility section of the Entrepreneurs Act, work focused on updating the informative content on the websites (the specific site of the PRIE programme and the general site of the Secretariat General for Immigration and Emigration) and the brochures created for the categories regulated by it. In the light of one of the report's conclusions on the application of the International Mobility section of this Act, approved by the Council of Ministers on 10 April 2015¹⁵, drafting began of a Communication Plan to increase the circulation of the channels for residence of entrepreneurs, highly qualified professionals, researchers, teachers and investors.

Along these lines, two years after the entry into force of the Entrepreneurs Act, of 27 September 2015, a conference was held under the name "*Invest in Spain*", organised by the State Secretariat for Trade and the Secretariat General for Immigration and Emigration, with the participation of members of business associations, professionals and entrepreneurs, who discussed the practical aspects of the implementation of the Act.

¹⁴ <http://extranjeros.empleo.gob.es/es/>

¹⁵ <http://www.lamoncloa.gob.es/consejodeministros/referencias/Paginas/2015/refc20150410.aspx>

Under this Plan, workshops, seminars and conferences are developed for the subjects responsible for implementation of the new system, offices, and other national and international users, and for centres for the attraction of talent to investment. From July 2015, the content of all these sessions focused on the new developments to the Act.

The information provided on visas and stay permits for international students has also been improved in 2015 with the publication of information brochures.

Youth mobility agreements have received a boost with their inclusion in the agreement signed by the immigration and educational authorities (see section 1.2 of this study).

3.2. Prevention of unsafe migration

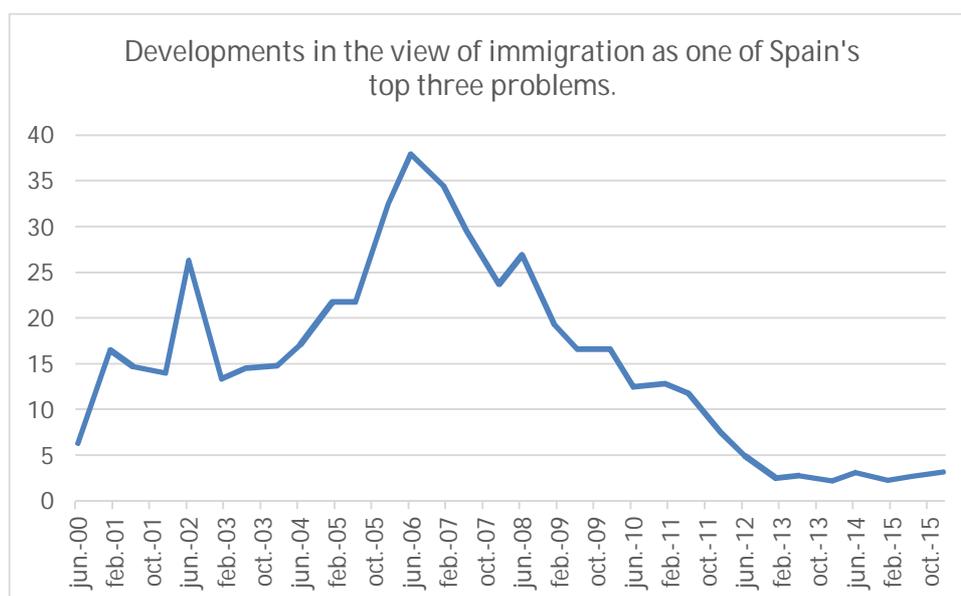
The prevention of unsafe migration is one of the goals of cooperation with countries of origin and transit. In particular, prevention is achieved through border control, return, combating human trafficking in third countries (joint teams) and preventing boats from leaving off the coasts of third countries (Morocco, Algeria, Mauritania and Senegal, among others).

Although cooperation with these countries continued in 2015, specific actions were not conducted.

3.3. Awareness raising in the host society

One of the main characteristics of Spanish society is its tolerance.

Despite the economic crisis and the waves of migrants entering Spain since 2004, no events of special relevance have been detected in matters of coexistence that have led to a rupture in society. Furthermore, migration is not regarded as one of the country's main problems and there has not been a rise in xenophobic parties.



Source: Own work based on opinion barometers. Historical series. CIS

The tolerant nature of Spanish society is highlighted in opinion polls conducted by the Centre for Sociological Research (CIS). This same conclusion was reached by the Report on the Development of Racism, Xenophobia and Related Forms of Intolerance in Spain. [2014 Survey/Report] based on the results of the survey conducted 2014 under the title "Actitudes hacia la Inmigración" (Attitudes towards Immigration) undertaken by the Centre for Sociological Research (CIS).

Nonetheless, the trend in opinions on the phenomenon of migration may be changing (especially considering the trends in neighbouring countries). Hence, key actions are being launched in education and various racism training programmes have been introduced in two new areas: health care and the administration of justice.

4. IRREGULAR MIGRATION AND RETURN

4.1. Enhanced border management at the external borders

4.1.1. *Border control measures: technology, equipment and infrastructure, including systems linked to EU instruments and actions to coordinate different types of border checks*

New technological resources have been distributed at BCPs:

- 332 document verifiers with fingerprint readers.
- 40 Foster&Freeman document analysers.
- 15 digital stereo microscopes.
- 30 scanners.
- 100 UV table lamps.
- 150 portable UV lamps.
- 80 portable microscopes.
- 1000 magnifying lenses.
- 80 kits for false document detection.

All BCPs have been fitted with visa-issuing kiosks (76 in 66 BCPs).

The ABC system, already installed in the airports of Madrid, Barcelona and Málaga, has also been deployed at the airports of Gerona, Alicante and Palma de Mallorca and in the port of Algeciras and the BCP of La línea de la Concepción. Mobile devices have been connected to the system to allow monitoring from any location of the BCP.

The API system is fully operational in all BCPs. Lists of passengers and crew are received through the DUEPORT system, which is managed by the national port authority. Maritime vessels will also be included.

The SECUREPORT IT system is used for security plans.

All technological systems operating at BCPs were integrated and centralised in 2015 at the National Cooperation Centre in Madrid. A branch of this, the Regional Maritime Coordination Centre, was set up in 2015 in Algeciras and covers the Strait of Gibraltar. These centres are connected with the BCPs by communication systems and receive images in real time.

In border monitoring, the technological capabilities of the maritime units have been reinforced in the area of control and communication between vessels and with the Coordination Centres.

The SIVE (Integrated External Surveillance System) was reinforced and modernised in 2015 with its deployment in Málaga, Granada and Ceuta.

SIVE and its Portuguese equivalent, SIVIC, were integrated in 2015. Information is exchanged through the EUROSUR NCC platform.

The SLAM (Automatic Number Plate Identification System) was strengthened and updated and has now been deployed in the ports of Cádiz, Algeciras, Tarifa, Málaga, Motril, Almería, Alicante and Ceuta and in the land border points of La Línea de la Concepción, Ceuta and Melilla.

Satellite capacity project: in the framework of this project, ports and other areas of interest on the coastlines of third countries and boat movements were monitored in 2015. The information has been integrated in EUROSUR.

CLOSEYE. In 2015, this project was carried out with the support and reinforcement of tactical communications between maritime and aerial resources and with the Eurosur NCC.

4.1.2. Border control measures: other activities to improve the effectiveness of controls at external borders (e.g. training and policy)

Special measures are in place to detect and identify foreign terrorists in coordination with EU initiatives in this area. These include the use of risk identifiers and alerts in the SIS and making full use of Article 7.2 of the Schengen Borders Code. These measures also include the training of border police officers. The forces have been deployed at the BCPs of other Member States.

The BCP forces have received language training (centralised, decentralised and online), in collaboration with other public and private institutions.

The following professional training courses have been held:

- Basic border police training.
- Border police specialisation.
- Online training in "trafficking in human beings".
- Detection of false documents.
- Operational document verification.
- Trafficking in human beings.

- Port security

- Airport security

Courses have also been organised for the training of trainers, with the subsequent decentralised courses.

The border police have participated in procedures for relocations from Italy and Greece.

Several international border surveillance exercises have been carried out to determine border control capacities and improve their efficiency.

4.1.3. Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management

The Spanish authorities work actively with the authorities in third countries to prevent and combat illegal immigration. This is one of the pillars of immigration policy and has had the result of very few illegal migrants arriving by boat to the Canary Islands.

Among other actions, Spain cooperates in advising and training the law enforcement authorities of certain countries of interest in immigration policy, mainly countries in West Africa and South America. The purpose of these measures is to improve the efficiency of investigations and step up the fight against human trafficking, human smuggling and the detection of counterfeit identity and travel documents. Support is also given to these countries to help them achieve better border management.

According to the FRONTEX Intelligence Report on Africa, published in January 2016, the illegal immigration routes from West Africa remain closed due to the cooperation between Spain, Senegal, Morocco and Mauritania. However, it will be necessary to remain vigilant as regards this route in 2016 since the mafias move quickly.

Data on the agreements and actions carried out in 2015 in the framework of effective cooperation with countries of origin and transit in the fight against irregular immigration is set out in the following table.

Title of the agreement (where relevant)	Third-party States with which Spain cooperates	Description of the cooperation	
	Morocco	Police cooperation centres with the participation of the National Police Force and Civil Guard in Spain and the National Police Force and <i>Gendarmerie</i> in Morocco.	
	Tajikistan	OSCE "Border control and smart borders" project	
	Mexico, Moldova, Mauritania, Algeria, Guinea-Bissau	Training in "Integrated Border Management and Smart Borders"	
	Mauritania, Senegal	Deployment of maritime units, together with information exchanges, has continued.	

Besides these agreements for better border management, bilateral agreements for the regulation and management of labour migration are a fundamental part of the Spanish immigration model, since they allow the demand for labour to be matched to supply and for progress to be made in the fight against irregular immigration. To date, Spain has signed six bilateral agreements of this nature with Colombia, Ecuador, Dominican Republic, Morocco, Mauritania and Ukraine. No new agreements were signed in 2015, but work has continued within the framework of existing agreements, as is the case of Morocco, for the collective recruitment of seasonal workers.

Some agreements were adopted which, while not related to immigration management, directly concern the recognition of the rights of displaced populations, such as agreements on Social Security. On 9 October 2015, the Council of Ministers granted its authorisation for the signing of the Social Security Agreement between Spain and Ukraine, replacing that signed between the two countries in 1996.

4.2. Better tackling of misuse of legal migration channels

4.2.1. Irregular migration caused by visa liberalisation

The results of the liberalisation of visas with Colombia, in force since 3 December 2015, are currently being reviewed, although it is still too early to draw conclusions.

4.2.2. Irregular migration through misuse of family reunification

Particular attention is being paid to the original documents.

4.2.3. Irregular migration through misuse of student migration

Situations of abuse have not been detected in the use of permits for studies or their change of status.

4.2.4. Irregular migration caused by use of false travel documents

The new security features of travel and identity documents, particularly microchips, are improved tools for the detection of false documents. Thus, actions to take full advantage of these features have been reinforced.

Greater emphasis was placed in 2015 on training and the exchange of information with other Member States and third States.

In 2015, a total of 2,692 false documents were detected at borders, including:

- 1,434 passports
- 664 identity cards
- 321 residence permits
- 154 visas
- 87 stamps
- 21 driving licences

A total of 1,792 police operations were carried out and 2,571 criminals were arrested.

4.2.5. Irregular migration caused by the abuse of free movement rights by third country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals

No relevant changes were observed in this area.

4.3. The fight against facilitation of irregular migration ('smuggling')

The Europol National Unit in Spain has been designated as an operational national contact point for human trafficking, in accordance with the Conclusions of the Council of 9 November 2015.

Moreover, the actions of the National Police and Civil Guard, in collaboration with the police forces of other Member States, has led to the arrest of members of certain human trafficking networks operating in different countries, as echoed in the media throughout 2015.

4.3.1. Activities to monitor smuggling

Monitoring activities in 2015 continued along the lines consolidated in previous years.

4.3.2. Monitoring and identifying migration routes

The migration routes towards Spain have not changed and are still basically:

- The Atlantic route (Senegal, Mauritania, Western Sahara and Morocco).
- The route comprising Niger/Mali, Morocco and Algeria.
- The route that runs from the Gulf of Guinea through Nigeria, Niger and Algeria.

The national liaison officers deployed in these countries play a vital role in the collection of data, together with the Moroccan liaison officers stationed in Spain and the joint teams with Morocco and Mauritania. Hence, information is received from and sent to these third countries in order to implement actions at the local level.

4.4. Strengthening cooperation with third countries of transit and origin on migration management

Given its transnational nature, cooperation with third countries is required to combat illegal immigration effectively and to foster co-responsibility, as set out in the Valletta Declaration. This cooperation cannot be limited to the time of return; rather, it should be developed in the framework of an integrated policy that takes into account the interests of the countries of origin, transit and destination.

The Spanish experience of cooperation with third countries has shown that only with effective cooperation on migration issues that takes into account the root causes of the migration phenomenon and addresses these, can sustainable cooperation be achieved in return matters. The achievement of this goal requires practical cooperation on the ground, which involves the development of specific projects to meet the needs of the countries of origin and transit.

4.4.1. Ensure implementation of all EU readmission agreements to their full effect

With regard to the implementation of EU readmission agreements, Spain conducted the following activities during 2015.

EU readmission agreement	National development (applicable protocol, cooperation)	Agreement date
Serbia	Bilateral protocol	09/07/2015

4.4.2. Prevention of irregular migration from third countries: (a) the Southern Mediterranean countries; (b) the Eastern Partners; (c) the Western Balkans; and (d) the Western Mediterranean and the African Atlantic coast

The areas of interest for Spain in this matter are the Southern Mediterranean and the Atlantic African coast. The actions carried out in 2015 have already been underway for a considerable number of years. The most significant of these are:

- Joint police cooperation with Mauritania.
- Joint analysis and research team on irregular migration with Morocco.

The creation of a similar team is also scheduled with Niger in an effort to prevent and investigate trafficking in human beings.

In training, police officers from countries in the area of interest are being trained by Spain in the trafficking in human beings. The Libya Coast Guard, including mechanics and ship captains, received training under the Seahorse project.

Joint sea, air and land patrols were also implemented with Mauritania, as well as sea and air patrols with Senegal. OPVs operate in the Atlantic.

4.5. Enhancing migration management including cooperation on return practices

As mentioned at the start of this section, the Spanish experience has shown that flexible, sustainable and effective return begins with prior and effective cooperation with the third countries involved.

To answer the points in the question.

- Spain records all prohibited entries in the SIS. Spain has participated in the feasibility study for the introduction of all return decisions in the SIS.
- The Spanish Ombudsman oversees return operations. In 2015, this institution supervised flights to Colombia and the Dominican Republic, Albania and Georgia, and Pakistan, as well as various detention centres.

5. INTERNATIONAL PROTECTION INCLUDING ASYLUM

5.1. Common European Asylum System

The implementation of the Common European Asylum System

A description follows of the changes that took place in 2015 concerning access to the territory, the Dublin processes and national resettlement programmes.

i) Access to the territory

During 2015, the number of applications for international protection increased by 150 percent over figures for the previous year. A total of 14,881 applications were received. The countries of origin whose citizens made the most applications were Syria (5,724), Ukraine (3,420) and the State of Palestine (809).

As regards the place where applications were submitted, before the International Protection Offices opened at the border crossings of Ceuta and Melilla (September 2014), applications submitted in the two autonomous cities (all applications in the territory) accounted for around 10% of the total applications in Spain. Following the increase in border applications in Melilla, applications from Ceuta and Melilla (both in the territory and at border crossings) now account for 45% of the total number of applications in Spain, most of them from Syrian nationals (6,639 in total).

vi) Dublin

Besides the doubling of the number of applications for international protection, Spain received a large number of Dublin applications, slightly above the figures for the previous year, when these applications increased dramatically (5,206 applications in 2015).

xv) National resettlement programmes

On 4 November 2015, the Council of Ministers adopted the Agreement approving the National Refugee Resettlement Programme for 2016, in fulfilment of Additional provision 1 of the Right of Asylum and Subsidiary Protection Act (*Ley 12/2009*) of 30 October 2009. This document provided for the resettlement of 724 people in 2015, which amounts to half of the commitments adopted by Spain in the framework of the Conclusions of the Justice and Home Affairs Council dated 20 July, in addition to the resettlement of 130 places agreed to in 2014 and not assigned in 2015. In other words, 854 people (724 + 130) are scheduled for resettlement in 2016.

5.1.1. Institutional and legislative changes

Institutionally, and as set out in point 5.1.5 of this study, an Inter-ministerial Commission has been set up to offer a global, combined approach to the problems of asylum and immigration.

With regard to legislation, Spain has reported to the Commission throughout 2015 on the transposition of the following Directives: Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

5.1.2. Jurisprudence

Certain rulings were issued in 2015 that have clarified the assessment criteria to be used by the Government in the consideration of asylum applications and the reasons given by applicants.

These include High Court ruling 5632/2015 dated 29 December 2015, attaching importance to the connection with political motivations of a court ruling in the country

of origin of the applicant, and the High Court ruling 5211/2015 dated 10 December 2015, attaching importance to the applicant's membership of a religious confession subject to persecution in Syria as grounds for fear of persecution, regardless of whether the individual has been personally subject to persecution.

5.1.3. Efficiency and Quality

An emergency plan has been launched to expedite the formalisation of applications for international protection and, where possible, to bring forward deadlines to allow the person concerned to be interviewed and submit their application. This has required the assistance of the national police force, which has been assisting the Asylum and Refugee Office in its task of formalising applications since mid-2015.

A draft Protocol of Action has also been drawn up with the participation of the Ministry of the Interior, the Ministry of Health, Social Services and Equality and the Vice-Presidency of the Government. Observations have been received from UNHCR.

5.1.4. Challenges in the asylum field

Although far from the figures of other European countries, 2015 saw a considerable increase in the number of applications for international protection in Spain (+147%).

New challenges in asylum matters have led to the need to increase the size the Spanish asylum system on three levels: procedures, budget, and reception capacity.

This increase was carried out on the basis of the **agreement reached by all parliamentary groups of the Congress of Deputies**, dated 29 September 2015, to lay the groundwork and streamline the asylum and refugee policy within the framework of the **Inter-ministerial Commission** set up on 4 September 2015. Based on a global, combined approach, the Commission examines the issue of asylum and immigration under the leadership of the Vice-President of the Government. The Ministry of the Presidency, Ministry of Justice, Ministry of the Interior, Ministry of Foreign Affairs and Cooperation, Ministry of Employment and Social Security, Ministry of Health, Social Services and Equality, Ministry of Education, Culture and Sport, and the Ministry of Defence all form part of the Commission.

Civil society and other public authorities have collaborated with its actions at every stage.

Coordination with civil society

The increase in the size of the national system for the reception and integration of refugees has had the knock-on effect of creating the need to step up actions with the main organisations of civil society. Thus, on 7 September 2015 the Secretariat General for Immigration and Emigration met with the three non-governmental organisations specialising in this area (CEAR and ACCEM and the Spanish Red Cross) and UNHCR.

On 24 September 2015, the Vice-President of the Government and the Minister of Employment and Social Security met with the General Secretaries of the leading national trade unions (CCOO and UGT) to discuss proposals for the labour integration of refugees.

Other developments included cooperation with the Save the Children organisation for the treatment of refugee children. On 5 November 2015, a meeting was held between this NGO and the Ministry of Employment and Social Security, Ministry of Health, Social Services and Equality, Ministry of the Interior, Ministry of Education, Culture and Sport. On 16 December 2015, technical cooperation began at the Temporary Migrant Accommodation Centre in Melilla.

Lastly, cooperation has begun with certain companies that have shown an interest in solidarity as part of their corporate social responsibility policy. These include Telefónica, VIPS, ALSA, FCC and IKEA.

Coordination with other authorities

The role of local and regional authorities is very important in the reception and integration of refugees since the authorities have numerous powers relating to key public services that can benefit refugees (health, education and social services, among others).

Hence, on 8 September 2015, the Sectoral Immigration Conference held a session chaired by the Minister of Employment and Social Security with the participation of the regional ministers with powers relating to the social integration of migrants and representatives of the Spanish Federation of Municipalities and Provinces (FEMP). The attitude of the various public authorities was one of solidarity. Subsequently, two meetings were held on 9 and 28 September 2015 for the Directorates General to prepare the technical aspects of the cooperation system.

The regional authorities will provide a channel for the management of the additional resources made available through the National Reception and Integration System. As part of this collaboration, a total of 2,696 potential reception places have been electronically recorded, which are being assessed in terms of the maintenance of the facilities, duration, proximity of basic resources, etc. The personal and family characteristics of the beneficiaries are also being reviewed to determine the type of benefits and services that they will require (entry in the municipal register, medical cards, school places, etc.) The system is managed through communication between the Secretariat General for Immigration and Emigration and the contact points of each Autonomous Community.

Budgetary changes

The National Budget for 2016 approved in October 2015 has increased the budget allocation for the reception/integration of refugees of the Secretariat General for Immigration and Emigration:

- It includes the sum of €24,125,090 allocated to the “international protection system” to fund the actions of specialist NGOs with refugees arriving in Spain by their own means (increase of 150% over the amount allocated for 2015, €9.65 million).
- It creates a new application (“Council of Justice and Home Affairs”), which was endowed in the initial project with €28.95 million to implement EU decisions on relocation and resettlement (according to the figures provided by the EU in July 2015).

Subsequently, in the light of new figures proposed by the COM in September 2015, by agreement of all the parliamentary groups in the Congress of Deputies, this allocation was increased by a further €200 million through a parliamentary amendment.

As a result, the 2016 budget for the National System for the Reception and Integration of applicants/beneficiaries of international protection amounted to €253.075 million (+2.522% over the initial 2015 budget).

Moreover, the budget of the Ministry of the Interior planned for 2016 for the handling of asylum cases amounts to €6.201 million (+105% compared to 2015).

Staff increases

To cope with the increase in the number of applicants for international protection, the Spanish system has recruited more staff for managing and coordinating the National System of Reception and Integration both at the Asylum and Refugee Office and at the Ministry of Employment and Social Security.

In particular, the Asylum and Refugee Office has seen its workforce increase on two occasions. Initially, in June 2015, 15 temporary officials joined to support the examination of applications for international protection and statelessness and to reinforce the Dublin service. And, in a second phase, between December 2015 and January 2016, 94 people were included, representing a staff increase of more than 150%. The new staff will be employed in office coordination tasks, the examination of applications or administrative support.

The Ministry of Employment and Social Security has increased its staff by 89 people (+3 people to the IT area providing support).

5.2. Cooperation with the European Asylum Support Office (EASO)

5.2.1. Participation in EASO activities

A. Provision of staff

Initially, it was planned to use liaison officers in the relocation processes for Greece and Italy, particularly to identify and select the individuals for relocation. In the end, however, the Commission considered that this was a task for EASO and FRONTEX in collaboration with the authorities of these countries.

FRONTEX and EASO have made a call to select national experts (775 and 374 respectively). Spain has offered its support to the European agencies cooperating with Italy and Greece to implement the relocation process by providing 50 national experts who will work under the orders of EASO and FRONTEX (41 officials from the National Police force and 30 from the Ministry of Employment and Social Services). In February 2016, six police experts are to join the EASO teams in Italy.

D. Participation in training sessions organised by EASO

Training was undertaken in these activities during 2015 and, in 2016, the staff of the Asylum and Refugee Office will take part in specific training activities on the EASO syllabus.

5.2.2. *Provision of support by EASO to the Member States*

No data available

5.3. **Intra-EU solidarity including relocation**

5.3.1. *Support to national asylum systems including relocation*

In the framework of Council Decisions (EU) 2015/1523 and 2015/1601, of 14 and 22 September 2015, establishing provisional measures in the area of international protection for the benefit of Italy and Greece, Spain has pledged to resettle 9,323 people, and this figure could increase by a further 6,565 (giving a total of 15,888).

In November and December, Spain took part in the pilot program for relocation from Italy, bringing 18 asylum seekers from Italy as a result of the implementation of the programme. It is expected to continue with the relocations from Italy and begin those from Greece throughout 2016.

5.4. **Enhancing the external dimension including resettlement**

5.4.1. *Cooperation with third countries including resettlement*

In the Conclusions of the Justice and Home Affairs Council on 20 July, Spain made a commitment to resettle 1,449 people over the next two years.

On 4 November 2015, the Council of Ministers adopted the Agreement approving the National Refugee Resettlement Programme for 2016, in fulfilment of Additional provision 1 of the Right of Asylum and Subsidiary Protection Act (*Ley 12/2009*) of 30 October 2009. This document provided for the resettlement of 724 people in 2015, which amounts to half of the commitments adopted by Spain in the framework of the Conclusions of the Council dated 20 July, in addition to the resettlement of 130 places agreed to in 2014 and not assigned in 2015. In other words, the resettlement of 854 people (724 + 130) is scheduled for 2016.

5.4.2. *Enhance the capacity of countries of origin and transit to manage mixed migration flows*

No notable changes have been observed during 2015.

6. **UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS**

6.1. **Unaccompanied minors**

In 2015, the ministries of Employment and Social Security, Justice, Health, Social Services and Equality, the Interior, Foreign Affairs and Cooperation and the State Prosecutor's Office continued to implement the Agreement approving the Framework Protocol for Unaccompanied Foreign Minors (UAMs) dated 22 July 2014¹⁶. This lays the foundations for **the coordination** of the various institutions and authorities in actions concerning Unaccompanied Foreign Minors: from location of the minor or

¹⁶ Published in the BOE (Official State Gazette) of 16 October 2014 by Decision dated 13 October 2014, of the Under-Secretariat of the Ministry of the Presidency

alleged minor to their identification, determination of their age, handing over to the government service for the protection of minors and documentation.

The reform introduced by the Child Protection System Amendment Act (**Ley 26/2015**), of 28 July 2015, affects unaccompanied children in the following areas (and has already been discussed in the section on children in point 2.1.3 of this study).

6.2. Other vulnerable groups

Integrated reception programmes designed to meet basic needs and support the integration of socially vulnerable foreign nationals or those at risk of social exclusion form one of the main pillars of integration policy. Persons considered particularly vulnerable are: women, young people, children, the elderly, the illiterate, the disabled and victims of trafficking for the purposes of sexual exploitation.

These programmes are exclusively funded by the National Budget. The purpose of the 2015 call for aid was to create places to provide shelter and meals for national migrants from third countries in socially vulnerable situations or at risk of social exclusion¹⁷. This intervention included the funding of various measures for guidance, training, health care and assistance to cover basic needs¹⁸.

7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

7.1. Improving the identification of and provision of information to victims

Legislative reform

1) Strengthening of the prosecution and punishment of trafficking offences

Ley Orgánica 1/2015, a constitutional statute amending *Ley Orgánica 10/1995* (Criminal Code Act) incorporates to article 177 bis, as one of the facts constituting an offence of trafficking, the exchange or transfer of control over persons, and, among the forms in which the offence might be committed, the delivery or receipt of payments or benefits to obtain the consent of the person controlling the victim, and, among the purposes of such offences, exploitation whereby victims are coerced into committing criminal offences for the benefit of their exploiters, and the holding of forced marriages. In addition, a definition is provided of the concept of "vulnerability".

In relation to the prosecution of human trafficking offences, the reform to the Criminal Code has introduced further changes to reinforce the specific protection presently given by the Criminal Code to human trafficking victims.

¹⁷ Decision dated 3 June 2015 of the Directorate General for Immigration, implementing the call for aid for the development of programmes for migrant persons (BOE No. 159, 4 July 2015).

¹⁸ Work has focused on: orientation and basic information on the host society; diagnosis of the situation of vulnerability; intercultural mediation; social and psychological support; care for the specific needs of the mentally ill; referral to other networks and social resources; the supply of material for basic needs (clothing, footwear, hygiene); healthcare and pharmaceutical expenses not covered by the public health system; training and job access; documentary and legal advice; translation and interpretation, and integrated and specialist reception for victims of human trafficking for sexual exploitation.

2) Protection of and support for victims

Ley Orgánica 8/2015, amending the system for the protection of children and adolescents, and *Ley 26/2015*, likewise amending that system, improved the scheme of support and protection for the children of women who have suffered gender violence and for underage girls who are victims of other forms of violence against women (in the framework of the reform of the system for the protection of children and adolescents, described in the above section).

Specifically, final provision two of *Ley Orgánica 8/2015* amends *Ley Orgánica 4/2000* (the statute on the rights and freedoms of foreign nationals in Spain) in connection with the protection of foreign nationals in an irregular situation and their children who have been the victims of human trafficking. **The main change is the extension of the duration of the period for recovery and reflection provided for foreign victims in an irregular situation, which is lengthened from 30 to 90 days, during which the victim may decide whether or not he or she desires to assist the authorities in investigating the criminal offence and, as the case may be, in criminal proceedings.**

Ley 4/2015 (Victims of Crime Act) sets out a general catalogue of the procedural and other rights of all victims of crime; the statute provides a legal and social response to victims and their families and, moreover, contemplates specific support for the more vulnerable victims, such as victims of human trafficking.

Action programmes

Spain combats trafficking in human beings in the framework of action of EUROPOL, specifically through the EMPACT project, which considers it a priority area in the fight against organised crime. Its strategic objective No. 4, effective for the 2014-2017 period, seeks "proactive use of multidisciplinary, alternative and complementary approaches to tackle human trafficking by improving systematic work with all relevant actors, such as victims, security forces and law enforcement agencies, the private sector, civil society organisations and governments".

To achieve these objectives, two annual operational plans have been designed in the past two years. The collaborative approach between agencies is crucial to these plans. Thus, in 2015, two important meetings were held to coordinate the activities of labour inspectors and the police forces. In 2016, in line with EUROPOL, it is planned to open up the collaboration to other actors such as NGOs and various agents of civil society.

In 2015, the National Rapporteur on Human Trafficking, appointed in 2014, continued its activity to prevent and combat trafficking in human beings and protect its victims, in compliance with the provisions of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011. Its priorities include cooperation with actors from the public authorities and organisations of civil society to design policies and participate in operational actions.

Specifically, as part of the struggle against sexual exploitation, the Forum against Trafficking for Sexual Exploitation has continued its growth. The members of this body include 11 representatives of Central Government, four people representing the Autonomous Communities and the cities of Ceuta and Melilla – renewed every two years on a rotating basis – the Spanish Federation of Municipalities and Provinces

(FEMP), the National Rapporteur on Human Trafficking, and various non-profit organisations for victims of trafficking for sexual exploitation, which include the Spanish Network against Trafficking.

Delivery was completed of copies of the Common guidelines for identifying victims of human trafficking for professionals likely to come into contact with them. In all, 2,500 copies of these materials are now available to public and private professionals and the embassies of countries with the highest numbers of nationals: Bolivia, Brazil, Bulgaria, Colombia, China, Dominican Republic, Ecuador, Morocco, Peru, Poland, Romania and Russia.

The State Security Forces have also made great efforts to implement the Integrated Plan for combating trafficking in human beings, whose second operational phase began in January 2015. A multidisciplinary approach has been adopted with the cooperation of the Civil Guard and the National Police force, with the assistance of non-governmental organisations, trade unions and employers' associations.

Lastly, the EU Anti-Trafficking Coordinator, with whom Spain works through the National Rapporteur on Trafficking, is working on the creation of a European platform for the business sector as a discussion forum for the exchange of good practices and information. It is expected that this mechanism will be implemented shortly.

8. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

8.1. Progress towards mainstreaming of migration in development policies

Spain's participation in the approach of the Valetta Declaration

The various projects in which Spain participates are based on its recognition of the relationship between migration and development, as shown by the UN 2030 Agenda, the European Agenda on Migration 2015, the most recent European Councils and the Valetta Summit of 11 and 12 November 2015.

Spain has signed the Declaration of Valetta, which regards migration as a shared responsibility of the countries of origin, transit and destination. In addition to the Political Declaration, the Valetta Summit launched an Action Plan and a Trust Fund for the fulfilment of its aims. Spain contributes €3 million to this Fund. Its interventions focus on the Sahel region and the Lake Chad area, the Horn of Africa, and northern Africa. The projects developed within the framework of the Fund are intended to contribute to the stability of these regions and to improved migration management.

As part of the actions of the Trust Fund, the Secretariat General for Immigration and Emigration, in collaboration with the Spanish Agency for International Development Cooperation (AECID), has pre-identified certain cooperation projects that could be adopted in 2016. These are (1) "Training and awareness-raising to improve coexistence and tolerance in Morocco; (2) Technical training for the management of migration, integration and asylum; (3) Younger generations as agents of change.

Cooperation with international organisations

Lastly, regarding collaboration with international organisations on a regional level, Spain has continued to work with the Economic Community of West African States

(ECOWAS)¹⁹. This collaboration has included the Spain-ECOWAS Migration and Development Fund. The fund is aimed at the institutional strengthening of the Member States and the financing of civil society projects²⁰. It has continued its investments throughout 2015, as scheduled at the Spain-ECOWAS meeting held in Madrid on 31 March 2014.

8.1.1. Cooperation with partner / third countries for economic migration

Bilateral cooperation with Morocco

Spain and the Kingdom of Morocco work side by side on migration issues. The “employment and immigration” issue was one of the topics of the high-level meeting between the two countries, held in Madrid on 5 June of 2015 within the framework of the Treaty of Friendship, Good Neighbourliness and Cooperation between the Kingdom of Spain and the Kingdom of Morocco.

On the specific topic of immigration, the “**First Morocco-Spain Forum on immigration and integration**” was held in Madrid on 19 and 20 November 2015. This was a meeting of great significance as it was the first of this scope to be held in Spain with a country producing migration flows into Spain and could serve as a reference for neighbouring countries²¹. The Forum was organised around one session and three round-table discussions. During the session, several success stories of Moroccan citizens who have set up as businessmen in Spain were presented. The round tables addressed the situation of Moroccans residing in Spain and their contribution to the economic, social and cultural exchange, new approaches in immigration policy, specifically those that view migration as a driving force of development, and the role of civil society.

Following the discussions of the Forum, Spain and Morocco agreed on various points for the future:

- To host this forum on a regular basis, alternating between the two countries;
- To draw up a plan of action, with points of cooperation and annual objectives;
- To set up a Monitoring Committee to draft the plan of action and review the implementation of objectives.

¹⁹ Following the Memorandum of Understanding of December 2005 and the Joint Declaration of Abuja dated 22 June 2009.

²⁰ AECID. “Cooperación Española con la CEDAO”. <http://www.aecid.es/ES/d%C3%B3nde-cooperamos/%C3%A1frica-subsahariana/cooperaci%C3%B3n-con-la-cedeao>

²¹ The Forum was organised by mutual agreement between Spain’s Secretariat General for Immigration and Emigration and Minister Anis Birou, responsible for Moroccans Resident Abroad and Immigration Issues, on the latter’s official visit to Madrid in June 2015.

- To commission the Monitoring Committee with the study and proposal of the most appropriate framework to integrate the collaboration initiatives put forward during the Forum (possibility of a memorandum of understanding).

Spain and Morocco have also collaborated within the framework of the EU-Morocco Mobility Partnership through the **Sharaka Project**, launched in June 2013 with a three-year duration. The participation of the Secretariat General for Immigration and Emigration concentrated on section 3. Reinforcement of capacities for the management of immigration and employment, and, in particular, section 3.2. "Legal support for the professional integration of regularised migrants in Morocco." Specifically, Spain has worked on a pilot action for circular Spain-Morocco migration of young Moroccans, aimed at setting up an EU-Morocco international placement network. This required an expert Spanish official to spend six months in Morocco on a mission that ended in October 2015. The initiative has become a priority of the Secretariat General for Immigration and Emigration and all agents of Spanish policy.

The possibility of recruiting nationals of countries with a cooperation agreement for the management of migration flows for labour and agricultural activities was also maintained.

Promotion of international mobility in the Ibero-American context

Following the approval of the International Mobility section of the Entrepreneurs Act, the Secretariat General for Immigration and Emigration has attempted to negotiate similar conditions to those provided under this regulation for Spanish companies in other countries. The Spanish legislation puts in place a new system of visas and residence permits for qualified and business categories of foreign nationals that is flexible, fast and open to talent and investment. Spain is seeking the same reciprocity with other countries.

These negotiations resulted in the signing of a Memorandum of Understanding with Mexico on 10 June 2014²². In the spirit of this memorandum, the Declaration of Veracruz was signed in the context of the XXIV Ibero-American Summit towards the end of 2014.

At bilateral level and along the same lines as the Memorandum of Understanding with Mexico, a Memorandum of Understanding was signed with Paraguay on 11 June 2015.

Ibero-American Specialist Technical Training Scheme (PIFTE)

Other contributions in Ibero-America included the organisation by the Secretariat General for Immigration and Emigration of a seminar on vocational training in migration, in partnership with the AECID, in the framework of the Ibero-American Specialist Technical Training Scheme (PIFTE). In 2015, a seminar that had a good first reception in December 2014 was carried out for the second year running, under the title "International Mobility. Promoting Investment and Talent through Immigration Policy. Immigration Policy as an Element of Competitiveness. The purpose of this

²² This Memorandum of Understanding was signed to promote the entry and stay in the respective countries of investors, entrepreneurs, highly qualified professionals, researchers, professionals engaged in intra-corporate transfers within the same company or corporate group and the relatives of these, for reasons of mutual economic interest.

seminar is to study the relationship between economic migration policy –linked to business –the attraction of talent, and the contribution of immigration to economic progress and international trade.

This year, the seminar was held at the Centro de Estudios in Montevideo and kept to the same lines, although it did add some new elements such as youth mobility. The conclusions of this seminar can serve as a basis for future agreements on talent mobility in the Ibero-American context.

8.1.2. Efforts to mitigate 'brain drain'

The "*brain drain/brain gain*" focus is now being replaced by that of "*brain circulation*" and "*brain network*", in recognition of the positive impact of legal and managed migration on the countries of origin (through remittances – including intelligence remittances – and transnational mobility projects) and destination (whose workforces increase, allowing them to cover labour shortages) and for the migrants themselves.

8.2. Migrants' Remittances

The latest data published by the Bank of Spain show that remittances from foreign nationals to other countries increased by 7.5% in 2014 over the previous year, at €6,617 million, with the main target countries being Colombia, Ecuador and Romania²³.

(EUR million)	2013	2014
TOTAL	6,154.8	6,617.0
Colombia	837.2	815.0
Ecuador	724.8	723.5
Romania	456.7	520.3
Bolivia	474	466.8
Dominican Republic	376.2	406
Morocco	324.6	393.8

Moreover, the benefits of intelligence remittances linked to circular migration are constantly on the rise.

²³ Bank of Spain. "Balance of payments and international investment position of Spain". 2014. Page 28.

8.3. Working with Diasporas

Spanish cooperation policy has continued to focus on support to civil society, the diaspora and individual actions to foster development in their countries of origin. For example, meetings were held in 2015 with institutions in countries of origin and representatives of civil society, as is the case of Senegal, under the 2013 Country Association Agreement²⁴.

The Ministry of Employment and Social Security (Secretariat General for Immigration and Emigration) has also continued to promote the associations and potential of the diaspora as a way of integrating with the host Spanish society and maintaining links with the society of origin.

The Forum for the Integration of Migrants continues to conduct its activities as an advisory body offering information and advice to foreign nationals with a framework that includes migrant associations. Specifically, its Committee on Integration Policy, Interculturalism, Coexistence and Social Cohesion works on this area.

²⁴ On 24 June 2015, the Spanish Agency for International Development Cooperation hosted the discussion “Democratic Governance in Senegal: Decentralisation and Participation in Civil Society”. http://www.aecid.es/ES/Paginas/Sala%20de%20Prensa/Noticias/2015/2015_06/25-senegal.aspx

